

REMARKS

Claims 1, 3-8 and 10-14 were pending prior to this amendment. Claims 3, 5, 6, 10, 12 and 13 have been cancelled without prejudice to the pursuit of these claims in this or other continuing applications. Claims 1, 4, 8 and 11 have been amended. Upon entry of the present amendments, Claims 1, 4, 7, 8, 11 and 14 will be pending in the application.

Claims 1 and 8 have been amended to incorporate the subject matter of dependent claims 3 and 10 respectively, that the intracellular calcium chelator is BAPTA-AM. Support for this amendment is found in the specification at page 8, lines 1-2, and in claims 3 and 10 as filed.

Claims 4 and 11 have been amended to update the claim dependency and to provide the clarification requested by the Examiner

No new matter has been added in the present claim amendment. Applicant respectfully requests entry of the amendments.

Response to Rejection Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 1, 5-8 and 12-14 as allegedly enabling for BAPTA-AM but not enabling for an intracellular calcium chelator that activates surfactant secretion without increasing the cytosolic free calcium concentration.

While not agreeing with the Examiner's position, the claims have been amended to put the application in condition for allowance.


Conclusion

Based on the amendment herein and the remarks above, Applicant submits that all pending claims are allowable, and respectfully requests that a timely Notice of Allowance be issued in this case. The foregoing is submitted as a full and complete response to the Office Action mailed April 22, 2004.

The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

DAVID S. STRAYER

BY 

DANIEL A. MONACO
Registration No. 30,480
DRINKER, BIDDLE & REATH, LLP.
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103
(215) 988-3312 ph.
(215) 988-2757 fax
Attorney for Applicant